



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 27 सितम्बर, 1975/5 आश्विन, 1897

GOVERNMENT OF HIMACHAL PRADESH

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-171002, the 23rd September, 1975

No. 19-9/68-Tpt.—The following draft reciprocal agreement relating to the operation of public carriers on inter-State routes, which is proposed to be entered between the Union Territories of (1) Chandigarh and Delhi and the States of (1) Bihar (2) Haryana (3) Himachal Pradesh (4) Jammu & Kashmir (5) Punjab (6) Rajasthan (7) Uttar Pradesh (8) West Bengal is published for the information of persons likely to be affected, thereby, as required by sub-section (3A) of section 63 of the Motor Vehicles Act, 1939:—

2. The proposal will be taken into consideration after the expiry of a period of thirty days from the date of the publication of this notification in the Official Gazette

together with any objection which may be received by the Transport Secretary, Himachal Pradesh within the aforesaid period of thirty day:—

DRAFT RECIPROCAL AGREEMENT

This agreement made this.....day of..... in the year one thousand nine hundred and seventy five between the Governor of Bihar of the one Part, the Governor of Haryana of the Second Part, the Governor of Himachal Pradesh of the Third Part, the Governor of Jammu & Kashmir of the Fourth Part, the Governor of Punjab of the Fifth Part, the Governor of Rajasthan of the Sixth Part, the Governor of Uttar Pradesh of the Seventh Part, the Governor of West Bengal of the Eighth Part, the President of India for and on behalf of the Union Territory of Chandigarh of the Ninth Part and the President of India for and on behalf of the Union Territory of Delhi on the Tenth Part.

Whereas, a special Reciprocal Agreement between the Governments of Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi was entered into on the 31st December, 1973 (as per Schedule) and all these Governments agreed to implement the same with effect from the first day of January, 1974;

And whereas, it had been agreed between the ten State Governments that the agreement shall be binding for the period of 2 years;

And whereas, the said Agreement expires on 31st December, 1975;

And whereas, the said, ten States are desirous of continuing the said Agreement with a view to encourage long distance inter-State transport of goods by and between the said States on the terms and conditions in the said agreement contained.

It is now mutually agreed between the said ten State Governments in public interest to extend the terms of the Special Reciprocal Agreement which shall be in force for a further period of *two years* from 1st January, 1976 notwithstanding and without prejudice to any other Reciprocal Agreement which might have been entered into previously or which may be entered into in future by and between any of the signatory States.

()
Transport Secretary and Works
Commissioner, Bihar, Patna.

()
Secretary to Govt. of Rajasthan
Home Department, Jaipur

()
Secretary to Government of Haryana
Transport Department, Chandigarh,

()
Secretary to Government of Uttar
Pradesh, Transport Department,
Lucknow.

()
Secretary to Government of Himachal
Pradesh, Transport Department,
Simla.

()
Secretary to Government of West
Bengal Home (Transport)
Department Calcutta.

()
Secretary to Government of Jammu
and Kashmir Food Supply and Trans-
port Department, Srinagar.

()
Transport Secretary, Chandigarh
Administration, Chandigarh.

(
Secretary to Government of Punjab
Transport Department, Chandigarh.

(
Special Secretary (Transport)
Delhi Administration Delhi.

THE SCHEDULE

Reciprocal agreement for the Northern Zone Permit Scheme for goods vehicles covering ten States/Union Administrations of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi.

This agreement made this *thirty first* day of *December*, one thousand, nine hundred and seventy three between the Governor of Bihar of the one Part, the Governor of Haryana of the second Part, the Governor of Himachal Pradesh of the third Part, the Governor of Jammu & Kashmir of the fourth Part, the Governor of Punjab of the fifth Part, the Governor of Rajasthan of the sixth Part, the Governor of Uttar Pradesh of the seventh Part, the Governor of West Bengal of the eighth Part, the President of India for and on behalf of the Union Territory of Chandigarh of the ninth Part, the President of India for and on behalf of the Union Territory of Delhi of the tenth Part.

Whereas it is expedient in view of the rapid economic development of the country to encourage the long distance and inter-State transport of goods by road and whereas it is necessary for this purpose to provide for adequate inter-State services for the transport of goods by road and to regulate, co-ordinate and control their operation, it is necessary in the interests of the public in general to enter into special reciprocal agreements between the States of (1) Bihar (2) Haryana (3) Himachal Pradesh (4) Jammu & Kashmir (5) Punjab (6) Rajasthan (7) Uttar Pradesh (8) West Bengal (9) Chandigarh and (10) Delhi.

It is now agreed by and between the above parties as follows:

I. That this Reciprocal Agreement shall come into force from 1st January, 1974 and shall be valid upto 31st December, 1975. It may be renewed for such further period as may be mutually agreed to by all the signatories to this Agreement. For reasons to be given in writing by any of the signatory States, this reciprocal agreement may be revoked on three months notice. Such revocation shall, however, abridge and modify the operation of this agreement only in so far as it relates to the withdrawing State subject to the condition that permits already issued under this agreement will continue to be valid till the expiry of those permits irrespective on withdrawal by the State or States from this agreement.

II. The total number of vehicles for which composite permits shall be issued shall not exceed 200 for each of the States of Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi. While the States of Jammu & Kashmir and Himachal Pradesh shall issue 200 permits, the number of outside vehicles from each State entering Jammu & Kashmir and Himachal Pradesh shall be limited to 100. The composite permits issued by the competent Transport Authority of each signatory State shall be valid on all National and State Highways chosen for operation. A list of the National and State Highways in each signatory State is appended hereto as Annexure VI. The competent Transport Authority shall also issue to each of such permit holders an authorisation in the form annexed to this agreement (Annexure I) and such authorisation shall correspond to the period for which the advance payment has been received provided that the authorisation at one time shall not exceed period of one year.

It shall, however, be open to any public carriers plying under such authorisation to deviate from the specified routes to the extent not exceeding 30 kms on either side of the specified routes.

III. (i) Each applicant for a composite permit shall have to choose a minimum of four States, *i.e.*, the home State and any three other States out of the remaining/nine for operation with effect from the date of this Agreement.

(ii) If a composite permit holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the Scheme, the holder of the permit shall have to pay full taxes to the "transit State".

(iii) A composite permit holder of a State shall be allowed to operate in any other State, separately covered under a bilateral agreement, but the same vehicle will not be allowed to be used both for the composite permit scheme as also the bilateral agreement scheme in the same State.

(iv) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.

IV. A public carrier operating under this agreement shall be free to operate without restriction of routes in the Home State whereas while operating in any area outside the Home State such a public carrier shall not pick-up or set down goods between any two points lying wholly within the jurisdiction of the reciprocating States, *i.e.*, in such cases vehicles shall be prohibited from carrying any intra-State business.

V. A public carrier operating under this Agreement shall be subject to the following limitations and restrictions:—

(1) No vehicle may be authorised under this agreement which—

- (a) has an RLW less than 10,000 kgs in the case of rigid chassis vehicle or a tractor-trailer combination;
- (b) is more than two years old on the date of grant of the authorisation and which is more than 7 years old at any time;
- (c) does not carry the prescribed markings and distinguishing particulars and is not painted in the prescribed colour scheme as provided in the Schedule annexed hereto (Annexure V);
- (d) is not fitted with a body in conformity with the pattern as specified in the Schedule annexed hereto (Annexure V).

(2) A public carrier plying under this agreement shall at all times carry a Bill of Lading in the form prescribed in the Schedule annexed (Annexure III). Carriage of goods not in conformity with the declaration in the Bill of Lading shall be construed as infringement of the condition of the permit making the permit holder liable under section 60 of the Motor Vehicle Act.

(3) Such vehicles shall conform to and comply with all provisions of the Motor Vehicles Act, as well as the provisions of the Motor Vehicles Rules framed by the Home State subject to such restrictions as may be imposed by the State Governments from time to time under the provisions of the Motor Vehicles Act, 1939.

(3-A) A public carrier plying under this agreement shall be allowed to ply his vehicle on all National and State Highways in the signatory States chosen

for operation. In particular in the case of vehicle in hilly areas of Himachal Pradesh, Jammu & Kashmir, Uttar Pradesh, West Bengal etc., the operation will be subject to the load and other restrictions as may be imposed by the State Government concerned for any particular route/area. The (Home) State may make a suitable endorsement on the permit particularly in regard to the hilly State of Himachal Pradesh, Jammu & Kashmir and Uttar Pradesh etc., as necessary that the heavier vehicles will not be allowed in the hilly regions of these States.

- (4) The certificate of fitness of such a vehicle shall be liable to be suspended or cancelled by the competent authority of the Home State if it is found to be not in conformity with the provisions relating to fittings, colour and body specification as detailed in the Schedule annexed hereto (Annexure V).
- (5) Such a vehicle shall at all times carry a valid authorisation in the form as detailed in the Schedule annexed (Annexure I) hereto granted under this agreement and issued under the signature and seal of the competent Transport Authority of the Home State.
- (6) Any authorisation holder plying under this agreement shall file a quarterly return in regard to such a vehicle in the form prescribed as detailed in the Schedule annexed (Annexure IV) hereto in quintuplicate to the Secretary of the State Transport Authority of the Home State who, in turn, shall furnish copies thereof to the Secretaries, State Transport Authorities of the other signatory States.
- (7) Such a vehicle shall at all times carry—
 - (a) a valid certificate of fitness;
 - (b) a certificate of registration; and
 - (c) Bill/Bills of Lading covering goods actually carried in the vehicle at the moment.

V-A. A vehicle plying under authorisation issued under this special agreement may be stopped and inspected for the purpose of enforcement of the provisions of this agreement by an officer of the rank of Assistant Inspector of Motor Vehicles/or Sub-Inspector of Police or any other officer whose rank is mutually agreed upon by the signatory States. Such an Inspecting Officer shall issue a check report in triplicate, one copy of which shall be served on the person in charge of the vehicle, the second copy shall be sent to the competent Transport Authority of the Home State and third copy sent to the competent Transport Authority of the State concerned. The Competent Transport Authority of the Home State, on receipt of the copy of the check report, may take such action as he may deem fit.

VI. (1) A composite permit holder plying under authorisation shall be liable to pay as under:—

- (a) Motor Vehicles Tax and the Goods Tax obtaining in the Home State.
- (b) A sum of Rs. 200 per annum in lieu of taxes mentioned in clause (a) above to Chandigarh Administration in case it is opted for operation and a sum of Rs. 700 per annum in lieu of taxes mentioned in clause (a) above to each of the remaining States of his option other than the Home State:

Provided no such sum of Rs. 700 will be payable by outside vehicles in respect of Delhi, so long as Goods Tax is not levied in the Union Territory of Delhi. This

sum shall be paid in advance by a crossed Bank Draft before the 15th of March every year (irrespective of the RLW and PLW of the vehicle). For this purpose, all the signatory States shall make suitable provisions in their taxation laws. Each signatory State shall designate a competent Authority for the purpose of receiving the amount mentioned above on behalf of other States, which shall thereafter be transferred to the respective States. Such competent Authority shall stamp and endorse the authorisation to that effect. Any vehicle plying under such an authorisation in the absence of such a valid endorsement shall be deemed to be plying in contravention of the condition of the permit and shall be liable to suspension and cancellation of the permit under section 60 of the Motor Vehicles Act.

The sum mentioned above will not be inclusive of Municipal levies such as Octroi etc. and composite permit holder will be liable to pay them separately.

The sum mentioned above will not be inclusive of Municipal levies such as Octroi etc. and composite permit holder will be liable to pay them separately.

(2) Notwithstanding that the amount is required to be paid for the whole year in advance as per sub-clause (1) above, the owner of the vehicle may, at his option, pay it in two equal instalments, the first before the 15th March, every year for the period April-September and the second instalment before the 15th September (of the current financial year) for the period October-March and obtain endorsement of having paid this tax from the competent authority of the Home State in certificate specified in Annexure II.

(3) If the vehicle covered by the authorisation is kept under non-use for a period/ periods during the validity of the authorisation no refund of amount paid for that period/ periods will be allowed.

(4) If the initial authorisation is granted at any time after the first quarter of the financial year, the tax shall be assessed on pro rata basis for the remaining quarters of the financial year including the quarter in which the authorisation is granted. For this purpose, a quarter shall be taken as a unit and not months and days; provided that this relief shall not be admissible for subsequent authorisation.

(5) If the vehicle covered by the authorisation is sought to be replaced by another suitable vehicle after prior permission of the Authority which originally granted the permit registration mark of the replaced vehicle may be noted by the Home State Transport Authority in the Authorisation and the tax already paid shall be deemed to have been paid for the replaced vehicle for the period following the date on which the vehicle is replaced.

VII. The competent authority of the Home State shall receive the amount on behalf of the other State, as the case may be, in the form of crossed Bank Drafts. These Drafts shall be made payable in the name of the designated authority of the State concerned and shall be sent by the Home State to the State concerned as and when received along with a statement showing the details of the vehicle number, Bank Draft number and date and amount, period for which paid etc.

VIII. (A) For the implementation of this agreement, the State Transport Authority or Regional Transport Authority as the case may be, of the Home State shall—

Issue composite permits for the inter-State route or routes or areas, as the case may be, covered by this reciprocal agreement for any four or more of the signatory States, such a composite permit holder shall have

the benefit of rule framed under section 68(2) (*hh*) read with section 68(1) of the Motor Vehicles Act, 1939, referred to in para below; and the competent Authority shall furnish copies of these composite permits (Part B only) to other signatory States within 30 days of issue.

(B) Further, all the signatory States shall frame a suitable rule under section 68(2) (*hh*) read with section 63(1) to provide that the composite permits so granted by any of the signatory States other than the Home State shall be valid without countersignatures in the areas of the Home State and the Secretary of the State Transport Authority or the competent authority, as the case may be, of the Home State shall issue an authorisation in the form prescribed in the Schedule (Annexure-I).

(C) Such composite permits shall be valid in all the signatory States other than the Home State on all the National and State Highways of each State as specified in the permit. A list of these Highways is annexed in the Schedule hereto. The composite permit shall also be valid on such other National Highways and the State Highways as may be notified from time to time by the Union Government or the State Governments concerned and which are endorsed on the permit.

IX. In this agreement, the term "Home State" means the State in the territory of which the composite permit under section 56 has been granted and authorisation therefor is issued under this agreement.

X. For the purpose of this agreement, the term "year" shall be deemed to be a financial year.

XI. For the purpose of this agreement, each of the ten parties hereto shall be deemed to be a "State".

Sd/-
1. (M. Alam)
Secretary to Government of
Bihar, Political, General and
Transport Department, Patna.

Sd/-
2. (S. D. Bhambari)
Secretary to Government of
Haryana, Transport Department,
Chandigarh.

Sd/-
3. (H. S. Dubey)
Secretary to Government of
Himachal Pradesh, Transport
Department, Simla.

Sd/-
4. (H. R. Sharma)
Secretary to Government of
J&K., Food, Supply & Transport
Department, Srinagar.

Sd/-
5. (R. Kashyap)
Secretary to Government of
Punjab, Transport Department,
Chandigarh.

Sd/-
6. (Ram Singh)
Secretary to Government of Rajasthan,
Home Department, Jaipur.

Sd/-
7. (A. B. Malik)
Secretary to Government of U.P.,
Transport Department, Lucknow.

Sd/-
8. (S. K. Mukerjee)
Secretary to Government of West
Bengal Home (Transport) Department,
Calcutta.

Sd/-
9. (B. S. Ojha)
Secretary, Home Department
Chandigarh Admn., Chandigarh.

Sd/-
10. (Gorakh Ram)
Special Secretary (Transport)
Delhi Admn., Delhi.

GANGESH MISRA,
Secretary.

EXCISE AND TAXATION DEPARTMENT

NOTIFICATIONS

Simla-171002, the 25th September, 1975

No. 1-15/73-E&T(Sectt).—The following draft amendment which the Governor of Himachal Pradesh proposes to make in exercise of the powers conferred on him under first proviso to sub-section (1) of section 6 of the Himachal Pradesh General Sales Tax Act, 1968 (Act No. 24 of 1968) to Schedule 'A' appended to the said Act, is hereby published in the Himachal Pradesh Rajpatra for information of all persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration on or after the expiry of a period of thirty days from the day of publication of this notification together with objections or suggestions, if any, which may be received by the undersigned from any person with respect to the proposed amendment before the expiry of the period so specified:—

DRAFT AMENDMENT

In Schedule 'A' of the Himachal Pradesh General Sales Tax Act, 1968, after item No. 32, the following item shall be added, namely:—

“33. Aerated Water.”

Simla-171002, the 25th September, 1975

No. 1-17/71-E&T(Sectt).—In exercise of the powers conferred on him by sub-clause (vi) of clause (a) of sub-section (3) of section 6 read with section 40 of the Himachal Pradesh General Sales Tax Act, 1968 (Act No. 24 of 1968) the Governor, Himachal Pradesh is pleased to make the following amendment in the Himachal Pradesh General Sales Tax Rules, 1970, having been previously published in the Rajpatra Himachal Pradesh on 11th August, 1975, *vide* this Government notification of even number, dated the 25th July, 1975:—

AMENDMENT

1. These rule may be called the Himachal Pradesh General Sales Tax (Amendment) Rules, 1975.

2. In the Himachal Pradesh General Sales Tax Rules, 1970, in rule 31, after clause (xiv) the following new clause shall be added, namely:—

“(xv) the sale of subsidised wheat through public distribution system in remote areas declared as subsidised areas” from time to time by the Government.

M. S. MUKHERJEE,
Secretary.

HOME DEPARTMENT

NOTIFICATION

Simla-171002, the 27th September, 1975

No. Home (A)-A(3)-14/75-II.—The following notification of the Government of India, Ministry of Home Affairs further amending the Defence and Internal Security of India Rules, 1971 *vide* their No. F. 11/16012/3/75-S and P(D-II) dated the 24th September, 1975 published in the Gazette of India dated the 24th September, 1975 is hereby re-published in the Himachal Pradesh Government Rajpatra (extra-ordinary) for the information of general public:—

GSR 591 (E).—In exercise of the powers conferred by section 3 of Defence and Internal Security of India Act, 1971 (42 of 1971), and of all other powers enabling the Central Government in this behalf, the Central Government hereby makes the following Rules further to amend the Defence and Internal Security of India Rules, 1971, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Defence and Internal Security of India (Fourth Amendment) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Insertion of new rule 184-A.*—After rule 184 of the Defence and Internal Security of India Rules, 1971, the following rule shall be inserted, namely:—

“184-A. Special provision regarding custody after arrest the provisions of clause (b) of the proviso to sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974), shall not apply to a person who is arrested for alleged contravention of any provision of these rules or of any order made thereunder, if such person had been, after such arrest, produced before a Magistrate who is competent to try the case or commit it for trial and the initial order for the Detention of person in custody had been made by the Magistrate before whom he was so produced”.

P. S. RANA,
Joint Secretary.

